

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ADA DOVE,

Plaintiff,

v.

Case No: 2:21-cv-205-JLB-NPM

USAA CASUALTY INSURANCE
COMPANY,

Defendant.

ORDER

Plaintiff has reported a settlement. (Doc. 27.) However, Plaintiff also asks that the Court reserve jurisdiction “to hear motions for equitable distribution on any medical bills or liens, if necessary.” (Id. at 1.) “Plaintiff asserts that reservations like this are important to the overall settlement analysis and conducive to the orderly settlements of personal injury cases without the need for trial.” (Id.) Plaintiff also advises that Defendant does not object to the request. (Id.)


As an initial matter, Court’s retention of jurisdiction over a case to enforce a settlement agreement is not automatic. Express retention of jurisdiction to enforce a settlement agreement is the functional equivalent of a consent decree, Am. Disability Ass’n, Inc. v. Chmielarz, 289 F.3d 1315, 1320 (11th Cir. 2002), and a consent decree will not be entered based on “perfunctory [court] approval.” United States v. City of Miami, 664 F.2d 435, 441 (5th Cir. 1981) (en banc) (Rubin, J., concurring). For these reasons, Plaintiff’s motion (Doc. 27) is due to be denied

without prejudice. Plaintiff may renew the motion and, if so, must present an actual, agreed-upon settlement. Any renewed motion must also set forth the factual or legal basis for the Court to retain jurisdiction. See generally Order, Golden Gate Chiropractic Ctr. Inc. v. Nationwide Ins. Co. of Am., No. 2:20-cv-849-JLB-NPM (M.D. Fla. Dec. 18, 2020), ECF No. 11.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion (Doc. 27) is **DENIED WITHOUT PREJUDICE**.
2. Plaintiff may renew the motion (Doc. 27) in compliance with this Order, **on or before February 7, 2022**.
3. Pursuant to Local Rule 3.09(b), the Clerk is **DIRECTED** to terminate any pending deadlines and administratively close the file. If Plaintiff does not renew the motion, then the parties are **DIRECTED** to file the appropriate dismissal documents or move to reopen the case upon good cause shown for further proceedings within sixty (60) days of this Order or upon the expiration of a later date established by the Court. Failure to comply with this Order will result in the dismissal of this action with prejudice and without further notice.

ORDERED at Fort Myers, Florida, on January 31, 2022.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE